

### **REMARKS**

This amendment is in response to the Official Action dated July 7, 2009. Claims 1, 7, 10, and 11 have been amended, claims 2, 3 and 6 remain canceled without prejudice or disclaimer,; as such, claims 1 and 4-5, and 7-13 are now pending in this application. Claims 1, 10, 11, and 12 are independent claims. Reconsideration and allowance is requested in view of the claim amendments and the following remarks. These amendments add no new matter. For example, support for the amended claims can be found in paragraph [0118] of the specification, as represented in US. Pub. No. 2006/0126451.

### **35 USC § 102 Rejections**

Claim 12 has been rejected under 35 U.S.C. § 102(b) as being unpatentable over Mikawa (US 2007/0097645, hereinafter referred to as "Mikawa '645"). Applicant respectfully traverses this rejection.

Claim 12 recites:

*A recording medium having recorded thereon data that is played back by an information processing apparatus that manages data,*

*wherein a first file including an identifier for identifying a format on the recording medium, the first file serving to manage data in the format, and a second file including an identifier that is the same as the identifier, the second file further including label information describing content of the data in the format, are recorded in the format as mutually different files on the recording medium.*

Mikawa '645 fails to disclose teach or suggest "*wherein a first file including an identifier for identifying a format on the recording medium, the first file serving to manage data in the format, and a second file including an identifier that is the same as the identifier, the second file further including label information describing content of the data in the format, are recorded in the format as mutually different files on the recording medium.*"

The Office Action alleges that these features can be found in FIG 3. paragraphs 62-70, FIG. 7 paragraphs 86-87 and 96-99. This is wholly inaccurate.

Mikawa '645 discloses an apparatus for data recording processing device and for obtaining information data to be written on a first recording medium. Mikawa '645 shows the conventional means for identifying and managing information recoded on recording mediums. Specifically, information data and recording medium management information concerning a recording medium are recorded on a recording medium. The recording medium management information includes initializing, creating, and updating time-and-date information of the recording medium. This enables quick retrieval of information associated with individual disks when a disk has been altered.

Paragraphs 62-70 of Mikawa '645 discloses a block diagram showing a configuration of a read/write apparatus, to which the Mikawa '645 is applied, and a flow chart showing the operation of copying a disk. These paragraphs disclose a means for instructing the operation unit to copy the files of disk D1 to disk D2. Upon receipt of the control signal, the write processor deletes all the files of disk D2 and outputs a notification of deletion to the copy management processor. The copy management processor outputs a control signal to read all the information of disk D1, such as the disk management information, the time-date creation of each file, the update of each file, as well as the file list information. After the receipt of the read command, the read processor reads all the files of disk D1 and outputs the file list information back to the copy management processor. At this point, the copy management processor stores the file list information in an internal memory and uses the file list information to copy the file data to disk D1 to disk D2.

There is no mention of a first file including an identifier for identifying a format and a second file including an identifier that is the same as the identifier are recorded in the format as mutually different files on the recording medium in Mikawa '645.

Indeed, Mikawa '645 merely allows for a determination of whether the content of the disks has been updated through its specific management information processing of recoding media.

Identification of the format of the files that are recorded as mutually different files would not be possible in Mikawa '645.

- **There fore, Mikawa '645 fails to disclose teach or suggest wherein a first file including an identifier for identifying a format on the recording medium, the first file serving to manage data in the format, and a second file including an identifier that is the same as the identifier, the second file further including label information describing content of the data in the format, are recorded in the format as mutually different files on the recording medium.**

As such, Mikawa '645 fails to teach or suggest various features of independent claim 12. Accordingly, Applicant respectfully requests that the rejection of claims 12 U.S.C. § 102(b) as being anticipated by Mikawa '645 be withdrawn.

### **35 USC § 103 Rejections**

Claims 1, 7-11 and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mikawa '645 in view of Mitui et al (US 6,937,553, hereinafter referred to as "Mitui '553"). Applicant respectfully traverses this rejection.

Claim 1 recites:

*An information processing apparatus for managing data that is recorded on a recording medium, the information processing apparatus comprising:*

*copying means for copying an identifier for identifying a format that is managed by a first file for managing information recorded on the recording medium, the identifier being included in the first file;*

*creating means for creating a second file including the identifier copied by the copying means and label information describing content of the data, further comprising a setting means for setting the label information,*

*wherein the creating means creates the second file including the identifier copied by the copying means and the label information set by the setting means, and*

*wherein said label information includes information regarding a representative frame image representing all the frame images of image data included in the recording medium;*

*recording means for recording the second file created by the creating means in the format identified by the identifier on the recording medium, as a file that is different from the first file; and*

*a comparing means for comparing an identifier included in the second file with an identifier included in the first file recorded onto the recording medium,*

*wherein the recording means records the second file in the format identified by the identifier on the recording medium only when it is determined as a result of comparison by the comparing means that the identifier included in the second file matches with the identifier included in the first file.*

As previously mentioned, Mikawa '645 merely allows for a determination of whether the content of the disks has been updated through its specific management information processing of recoding media.

Mikawa '645 fails to disclose teach or suggest a "recording means for recording the second file created by the creating means in the format identified by the identifier on the recording medium, as a file that is different from the first file."

Moreover, the Office Action admits Mikawa '645 fails to disclose, teach or suggest "a comparing means for comparing an identifier included in the second file with an identifier included in the first file recorded onto the recording medium, wherein the recording means records the second file in the format identified by the identifier on the recording medium only when it is

*determined as a result of comparison by the comparing means that the identifier included in the second file matches with the identifier included in the first file,"* but alleges Mitui '553 remedies this deficiency in col. 12, lines 48-55 and col 13, lines 3-7. Again this is inaccurate.

Mitui '553 relates to a recording apparatus, medium, and method for recording personal-use duplicates in accordance with the embedded copy attribute, and a reproduction apparatus and method for reproducing the personal-use duplicates. Mitui '553 discloses a recording apparatus for recording a duplicate of a product onto a recording medium, the product being a copyrighted digital product having a copy attribute embedded as a watermark thereon and the recording apparatus including (a) an acquiring unit for acquiring the copy attribute embedded on the product, (b) a changing unit for changing the acquired copy attribute into a copy attribute showing no more copy when the acquired copy attribute shows one generation copy, (c) a reading unit for reading from the recording medium at least a part of medium ID information recorded on the recording medium in an unalterable state, and (d) a recording unit for recording onto the recording medium the duplicate having both the copy attribute showing no more copy and the read medium ID information embedded as a watermark thereon.

Col. 12, lines 48-55 and col 13, lines 3-7 of Mitui '553 state:

FIG. 14 is a flowchart showing a process by which the CPU 201 (FIG. 8) of the reproduction apparatus of the second embodiment performs a reproduction control when an area code has been additionally embedded as a watermark on the duplicate. In FIG. 14 the CPU 201 first instructs the watermark detection unit 205 to detect the area code embedded on the duplicate read from the disc 202 (step S801). The CPU 201 then compares the detected area code with the area code acquired from the reproduction apparatus (step S802). Reproduction of the duplicate is cancelled if the two area codes are not matched (step S808), and if matched the CPU 201 proceeds to step S804.

If the detected copy attribute shows "copy free" or "no more copy," the embedded medium ID information is compared with the medium ID information recorded on the disc 202 as per the first embodiment, and if matched the CPU 201 reproduces the duplicate (step S809).

There is no mention of a copying means for copying an identifier for identifying a format that is managed by a first file, recording means for recording the second file created by the creating means in the format identified by the identifier, or a comparing means for comparing an identifier included in the second file with an identifier included in the first file, wherein the recording means records the second file in the format identified by the identifier on the recording medium only when it is determined that the identifier included in the second file matches with the identifier included in the first file in Mitui '553.

Since even a combination of the relied upon references would still fail to yield the claimed invention, Applicant submits that a prima facie case of obviousness for claim 1 has not been presented. Applicant also notes that the offered combination appears to be a failed attempt to reconstruct the claimed invention in hindsight, as there is no basis to combine the read/write means of Mikawa '645 with the means for recording a duplicate of a product on a recording medium of Mitui '553.

For the reasons stated above, claims 10 and 11 also are distinct from the Mikawa '645 in view of Mitui '553 (although claims 1 and 10-11 should be interpreted solely based upon the limitations set forth therein). Furthermore, at least for the reason disclosed above, claims 7-9 and 13 overcome the combination of Mikawa '645 in view of Mitui '553 because they depend on independent claim 1 and thus incorporate the distinct features therein, as well as their separately recited patentably distinct features.

Accordingly, Applicant respectfully requests that the rejection of claims 1, 7-11 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Mikawa '645 in view of Mitui '553 be withdrawn.

Claims 4 and 5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mikawa '645 in view of Mitui '533 and further in view of Hisatomi et al (US 2002/0154898, hereinafter referred to as "Hisatomi '898"). Applicant respectfully traverses this rejection.

Claims 4 and 5 depend from and thus incorporate the features of claims 1 which are neither disclosed nor suggested by Mikawa '645 in view of Mitui '533, for the reasons stated above.

Hisatomi '898 does not remedy the deficiencies of Mikawa '645 in view of Mitui '533, as the various features recited above are also absent from Hisatomi '898. For example, Applicant's claimed features of "*wherein the recording means records the second file in the format identified by the identifier on the recording medium only when it is determined as a result of comparison by the comparing means that the identifier included in the second file matches with the identifier included in the first file,*" are neither disclosed nor suggested by Hisatomi '898.

The Office action alleges Hisatomi '898 discloses a setting means that selectively sets the representative frame image from representative frame images of respective clips recorded on the recording medium in paragraphs [0063]-[0065] of specification. This is wholly inaccurate.

Hisatomi '898 discloses a means for recoding or playing back an image and voice by use of a recoding medium. To search for an image on an optical disk, a registration trigger is generated from the user, a pointer indicating the recoding position of a main image (also used as an index image) in the optical disk is processed, a index image data is created in an encoder and data is recorded from the index image buffer into a user file menu on the optical disk. These steps of recording provide a recordable/playable recording medium and a recording/playable apparatus capable of easy searching and editing without creating a menu data. Applicant submits this has nothing to do with the features of claim 1, which relates to creating and recording a first and second file.

Paragraphs [0063]-[0065] of Hisatomi '898 disclose an area in which computer data and audio video data can be recorded together. The computer data area and the audio/video data area can be formed of one file or a plurality of files. The video object set is not required to have all of the objects and may be construed by at least one the objects and likewise, the objects are construed by one or a plurality of files.

Foremost, there is no mechanism for creating a first file and second file in the means provided by applicant's claim 1 or a recording means that records the second file only when the identifier of the second file is the same as that of the first file.

Moreover, there is no mention of a copying means for copying an identifier for identifying a format that is managed by a first file, recording means for recording the second file created by the creating means in the format identified by the identifier, or a comparing means for comparing an identifier included in the second file with an identifier included in the first file, wherein the recording means records the second file in the format identified by the identifier on the recording medium only when it is determined that the identifier included in the second file matches with the identifier included in the first file in Hisatomi '898.

Since even a combination of the relied upon references would still fail to yield the claimed invention, Applicant submits that a prima facie case of obviousness for claim 1 has not been presented. Applicant also notes that the offered combination appears to be a failed attempt to reconstruct the claimed invention in hindsight, as there is no basis to combine read/write means of Mikawa '645 with the means for recording a duplicate of a product on a recording medium of Mitui '553 with the recording and searching means of Hisatomi '898.

Furthermore, at least for the reason disclosed above, claims 4-5 overcome the combination of Mikawa '645 in view of Mitui '553 and further in view of Hisatomi '898 because they depend on independent claim 1 and thus incorporate the distinct features therein, as well as their separately recited patentably distinct features.

Accordingly, Applicant respectfully requests that the rejection of claims 4 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Mikawa '645 in view of Mitui '553 and further in view of Hisatomi '898 be withdrawn.



## **Conclusion**

In view of the above amendment and remarks, applicant believes the pending application is in condition for allowance.

This response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicant expressly does not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

## **Extensions of time**

Please treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. §1.136, as incorporating a petition for extension of time for the appropriate length of time.

The Commissioner is hereby authorized to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees.

## **Fees-general authorization**

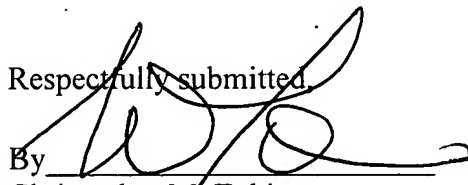
The Commissioner is hereby authorized to charge any deficiency in fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm).

Application No. 10/559,527  
Amendment dated October 2, 2009  
Reply to Office Action of July 7, 2009

Docket No.: SON-3029

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

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Respectfully submitted,  
  
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